

**Introduced by Senator Hertzberg**

February 18, 2016

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An act to amend Section 22820 of the Government Code, relating to public employee benefits.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1203, as introduced, Hertzberg. Firefighters and peace officers: health benefits.

Under the Public Employees' Medical and Hospital Care Act (PEMHCA), an uninsured surviving spouse or other eligible family member of a deceased firefighter or peace officer is eligible to enroll in a health benefit plan approved or maintained by the Board of Administration of the Public Employees' Retirement System if the death of the firefighter or peace officer occurred as a result of injury or disease arising out of, and in the course of, the firefighter's or peace officer's official duties, as specified. Under PEMHCA, the employer of a deceased firefighter or peace officer is required to notify the board within 10 days of the death of the firefighter or peace officer if a spouse or a family member may be so eligible for enrollment.

This bill would require the employer to also provide the board with updated contact information of the spouse or family member. By requiring local government employers to provide this contact information, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 22820 of the Government Code is  
2 amended to read:  
3 22820. (a) Upon the death, on or after January 1, 2002, of a  
4 firefighter employed by a county, city, city and county, district,  
5 or other political subdivision of the state, a firefighter employed  
6 by the Department of Forestry and Fire Protection, a firefighter  
7 employed by the federal government who was a resident of this  
8 state and whose regular duty assignment was to perform  
9 firefighting services within this state, or a peace officer as defined  
10 in Section 830.1, 830.2, 830.3, 830.31, 830.32, 830.33, 830.34,  
11 830.35, 830.36, 830.37, 830.38, 830.39, 830.4, 830.5, 830.55, or  
12 830.6 of the Penal Code, if the death occurred as a result of injury  
13 or disease arising out of and in the course of his or her official  
14 duties, the surviving spouse or other eligible family member of  
15 the deceased firefighter or peace officer, if uninsured, is deemed  
16 to be an annuitant under Section 22760 for purposes of enrollment.  
17 All eligible family members of the deceased firefighter or peace  
18 officer who are uninsured may enroll in a health benefit plan of  
19 the surviving spouse's choice. However, an unmarried child of the  
20 surviving spouse is not eligible to enroll in a health benefit plan  
21 under this section if the child was not a family member under  
22 Section 22775 and regulations pertinent thereto prior to the  
23 firefighter's or peace officer's date of death. The employer of the  
24 deceased firefighter or peace officer shall notify the board within  
25 10 business days of the death of the employee if a spouse or family  
26 member may be eligible for enrollment in a health benefit plan  
27 under this ~~section~~. *section, and shall provide the board with*  
28 *updated contact information of the spouse or family member.*  
29 (b) Upon notification, the board shall promptly determine  
30 eligibility and shall forward to the eligible spouse or family  
31 member the materials necessary for enrollment. In the event of a  
32 dispute regarding whether a firefighter's or peace officer's death  
33 occurred as a result of injury or disease arising out of and in the

1 course of his or her official duties as required under subdivision  
2 (a), that dispute shall be determined by the Workers' Compensation  
3 Appeals Board, subject to the same procedures and standards  
4 applicable to hearings relating to claims for workers' compensation  
5 benefits. The jurisdiction of the Workers' Compensation Appeals  
6 Board under this section is limited to the sole issue of industrial  
7 causation and this section does not authorize the Workers'  
8 Compensation Appeals Board to award costs against the system.

9 (c) (1) Notwithstanding any other provision of law, and except  
10 as otherwise provided in subdivision (d), the state shall pay the  
11 employer contribution required for enrollment under this part for  
12 the uninsured surviving spouse of a deceased firefighter or peace  
13 officer for life, and the other uninsured eligible family members  
14 of a deceased firefighter or peace officer, provided the family  
15 member meets the eligibility requirements of Section 22775 and  
16 regulations pertinent thereto.

17 (2) The contribution payable by the state for each uninsured  
18 surviving spouse and other uninsured eligible family members  
19 shall be adjusted annually and be equal to the amount specified in  
20 Section 22871.

21 (3) The state's contribution under this section shall commence  
22 on the effective date of enrollment of the uninsured surviving  
23 spouse or other uninsured eligible family members. The  
24 contribution of each surviving spouse and eligible family member  
25 shall be the total cost per month of the benefit coverage afforded  
26 him or her under the plan less the portion contributed by the state  
27 pursuant to this section.

28 (d) The cancellation of coverage by an annuitant, as defined in  
29 this section, shall be final without option to reenroll, unless  
30 coverage is canceled because of enrollment in an insurance plan  
31 from another source.

32 (e) For purposes of this section, "surviving spouse" means a  
33 spouse who was married to the deceased firefighter or peace officer  
34 on the deceased's date of death and either was married for a  
35 continuous period of at least one year prior to the date of death or  
36 was married to the deceased prior to the date the deceased  
37 firefighter or peace officer sustained the injury or disease resulting  
38 in death.

39 (f) For purposes of this section, "uninsured" means that the  
40 surviving spouse is not enrolled in an employer-sponsored health

1 plan under which the employer contribution covers 100 percent  
2 of the cost of health care premiums.

3 (g) The board has no duty to identify, locate, or notify any  
4 surviving spouse or eligible family member who may be or may  
5 become eligible for benefits under this section.

6 SEC. 2. If the Commission on State Mandates determines that  
7 this act contains costs mandated by the state, reimbursement to  
8 local agencies and school districts for those costs shall be made  
9 pursuant to Part 7 (commencing with Section 17500) of Division  
10 4 of Title 2 of the Government Code.